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**From:** Dinsmore, Andrew [Dinsmore.Andrew@epa.gov]  
**Sent:** 1/4/2018 5:10:36 PM  
**To:** Greenwald, Michael [Greenwald.Michael@epa.gov]; jennifer.roushey@state.de.us [Jennifer.Roushey@state.de.us]; Ashby, Bryan A. (DNREC) [Bryan.Ashby@state.de.us]  
**CC:** Hayes, John G. (DNREC) [John.Hayes@state.de.us]; McGuigan, David [McGuigan.David@epa.gov]; Crane, Rebecca [crane.rebecca@epa.gov]; Cohen, Amy [Cohen.Amy@epa.gov]; Bennett, James [bennett.james@epa.gov]  
**Subject:** RE: Citizen's Complaint (FY18-165061-3800-CV )

Hey Jenn. Thanks for the update. But just for clarity and my complete understanding...

Has there been an assessment of potential runoff from the spray irrigation activities? My understanding is that if these activities are taking place in such a manner as to discharge via overland/surface pathways to a conveyance system (ditch, swale, and/or waterway) that would lead to a waterway, that the activities would then be out of compliance and could become a NPDES/Surface Water issue. Could you or others confirm? Do either Mountaire or its operator keep discharge records, including discharge volumes, soil conditions, and antecedent weather conditions?

Thanks again!!!  
Andy Dinsmore  
NPDES Enforcement Branch Chief  
US EPA, Region III  
215-814-2788

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**From:** Greenwald, Michael  
**Sent:** Thursday, January 04, 2018 11:23 AM  
**To:** jennifer.roushey@state.de.us; Ashby, Bryan A. (DNREC) <Bryan.Ashby@state.de.us>  
**Cc:** Hayes, John G. (DNREC) <John.Hayes@state.de.us>; Dinsmore, Andrew <Dinsmore.Andrew@epa.gov>  
**Subject:** RE: Citizen's Complaint (FY18-165061-3800-CV )

Thank you for the update Jenn.

Mike

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**From:** Roushey, Jennifer S. (DNREC) [<mailto:Jennifer.Roushey@state.de.us>]  
**Sent:** Thursday, January 04, 2018 10:41 AM  
**To:** Greenwald, Michael <[Greenwald.Michael@epa.gov](mailto:Greenwald.Michael@epa.gov)>; Ashby, Bryan A. (DNREC) <[Bryan.Ashby@state.de.us](mailto:Bryan.Ashby@state.de.us)>  
**Cc:** Hayes, John G. (DNREC) <[John.Hayes@state.de.us](mailto:John.Hayes@state.de.us)>  
**Subject:** RE: Citizen's Complaint (FY18-165061-3800-CV )

Thanks Mike,

You are correct, this issue is being addressed by our Groundwater Discharges Section of DNREC for violations of Mountaire's Onsite Wastewater Treatment and Disposal Spray Irrigation Permit and the Safe Drinking Water Program at EPA. There is no NPDES cross-over at this time. Mountaire has been working under a DNREC NOV to address the WWTP upset and elevated area nitrates and has proactively been working with the community to address area drinking water concerns. DNREC still is pursuing an ongoing enforcement investigation concerning the violations at the Mountaire facility and continues to communicate weekly with Mountaire on corrective action progress for both the WWTP and safe drinking water in the area.

Regards,  
Jenn

Jennifer S. Roushey  
Environmental Program Administrator  
Director's Office  
DNREC – Division of Water  
(302)739-9949

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**From:** Greenwald, Michael [mailto:Greenwald.Michael@epa.gov]  
**Sent:** Tuesday, January 02, 2018 2:09 PM  
**To:** Ashby, Bryan A. (DNREC)  
**Cc:** Roushey, Jennifer S. (DNREC)  
**Subject:** Citizen's Complaint (FY18-165061-3800-CV )

Hi Bryan and Jennifer,

Please see the following complaint and address as necessary. I believe this has been an ongoing case involving drinking water, but if there is crossover into npdes please let me know.

Thanks,

Mike

-----Original Message-----

12/20/2017 12:02 PM

HQ LEAD NUMBER: FY18-165061-3800-CV

SUBJECT: Referred to Region - Delaware

FROM: Personal Matters / Ex. 6

TO:

Name: Personal Matters / Ex. 6

Address: Personal Matters / Ex. 6

City: Personal Matters / Ex. 6

State: Delaware

Zip: Personal Matters / Ex. 6

Phone: Personal Matters / Ex. 6

Alleged Violator's Name: Mountaire

Alleged Violator's Address: 29005 John J Williams Hwy

Alleged Violator's City: Millsboro

Alleged Violator's State: Delaware

Alleged Violator's Zip: 19966

Tip or Complaint: I have documents, videos , pictures etc . How can I get these to you? Personal Matters / Ex. 6 recent water sample. The nitrates are 25 and the water does not meet water quality standards for nitrates and coliform. Mountaire put a water treatment system in her home as part of the consent order from 2003. Obviously, there are problems here and public health concerns. I sent some still shots and video to DNREC, as I had great concerns about violations from operating the sprayfields in conditions that were causing runoff and windy conditions. I asked DNREC if these were violations of their permit. I also submitted still shots and video of solids coming out of the end of the sprayers, which the neighbors said gagged them and was being sprayed very close and blowing onto their property. I have the 20-page

NOV and am requesting that this be investigated. They were not given permission , nor does their permit allow solids to be sprayed from the end of the sprayers. There was also sampling done at the wrong sampling locations and diversion of pipes from the pond to the pivots. I am wondering per Delaware code if may be criminal, beyond permit overages and the EPA's thoughts on this. This is an EJ community and now there are numerous wells contaminated and serious health concerns - from miscarriages to seizures, birth defects, asthma, COPD -among many others. A 24 yr old died on Herbert Lane. The contamination has spread way beyond Herbert Lane now. Some links to articles: Mountaire offers to dig new wells for 88 neighbors - The News Journal

[www.delawareonline.com/story/news/local/2017/12/.../mountaire.../957918001/](http://www.delawareonline.com/story/news/local/2017/12/.../mountaire.../957918001/) 4 days ago - The Sussex County chicken plant accused of polluting groundwater near Millsboro now says it will pay to dig deeper wells for 88 of its neighbors or connect them to a public water supply. Mountaire Farms made the announcement Friday evening in a release to local media. A spokesman for the company ... Millsboro-area neighbors don't trust Mountaire to ... - The News Journal [www.delawareonline.com/story/news/local/2017/12/.../mountaire.../944250001/](http://www.delawareonline.com/story/news/local/2017/12/.../mountaire.../944250001/) Dec 12, 2017 - Millsboro-area residents are saying no thanks to nitrate removal systems from Mountaire Farms, which may have polluted their wells. Poisoned wells found near Sussex chicken plant - The News Journal

[www.delawareonline.com/story/news/local/2017/11/30/.../mountaire.../911645001/](http://www.delawareonline.com/story/news/local/2017/11/30/.../mountaire.../911645001/) Nov 30, 2017 - A number of private wells near a Millsboro-area poultry processing plant that was recently cited for polluting the groundwater have been found to be dangerously contaminated, according to state regulators. Water in 14 of 16 recently tested wells just south of a Mountaire Farms plant contains more nitrates ... Tainted water: 'I won't even give it to my dog' - The News Journal [www.delawareonline.com/story/news/local/2017/12/08/.../how.../926204001/](http://www.delawareonline.com/story/news/local/2017/12/08/.../how.../926204001/) Dec 8, 2017 - [Personal Matters / Ex. 6] never gave much thought to the poultry processing plant a little more than a mile from her home, other than holding her nose from the stench. But after her son, [Personal Matters / Ex. 6] was born in June without a left ear or even an ear canal, [Personal Matters / Ex. 6] couldn't help but wonder if living so close to Mountaire ... DNREC finds high levels of fecal coliform at ... - The News Journal

[www.delawareonline.com/story/money/business/2017/.../mountaire.../848548001/](http://www.delawareonline.com/story/money/business/2017/.../mountaire.../848548001/) Nov 10, 2017 - Mountaire Farms is facing fines and other sanctions for polluting the groundwater near its Millsboro-area plant at levels several thousand times the legal limit, according to state regulators. The health risk is so severe that the state is requiring Mountaire to supply bottled water and drinking water treatment to ... Mountaire withdraws application to expand Millsboro facility [www.delmarvanow.com/story/news/local/delaware/2017/.../mountaire.../767556001/](http://www.delmarvanow.com/story/news/local/delaware/2017/.../mountaire.../767556001/) Oct 16, 2017 - (Photo: THE NEWS JOURNAL ). CONNECTTWEETLINKEDINCOMMENTEMAILMORE. Mountaire has withdrawn its application for a coastal zone permit to expand its Millsboro facility. According to a DNREC release, the withdrawal was voluntary. "We are making this withdrawal at this time due to a recent ... Millsboro residents oppose Mountaire plant expansion [www.delmarvanow.com/story/news/local/delaware/.../mountaires.../623366001/](http://www.delmarvanow.com/story/news/local/delaware/.../mountaires.../623366001/) Aug 31, 2017 - A DNREC hearing at the Millsboro Civic Center Aug. 31 saw area residents in arms against an expansion of the nearby Mountaire plant.

Specific Directions: <https://www.google.com/maps/place/Mountaire+Farms/@38.6011452,-75.2592361,15z/data=!4m2!1m6!3m5!1s0x0:0x1461afcd15ce40df12sMountaire+Farms!8m2!3d38.6011452!4d-75.2592361!3m4!1s0x0:0x1461afcd15ce40df18m2!3d38.6011452!4d-75.2592361>

Violation Still Occurring? Yes

State DEP/DEQ/DEM Notified? Yes

Mike Greenwald  
USEPA, Region 3  
NPDES Enforcement Branch  
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Philadelphia, PA 19103  
Work: 215-814-2398  
Fax: 215-814-2318